

**COUNSEL FOR DEBTOR-DEFENDANT  
DIRECTORY DISTRIBUTING ASSOCIATES, INC.  
AND NON-DEBTOR DEFENDANTS RICHARD  
PRICE, STEVE WASHINGTON, LAURA  
WASHINGTON, ROLAND E. SCHMIDT, AND  
SANDY SANDERS**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**In re:**

**DIRECTORY DISTRIBUTING  
ASSOCIATES, INC.,**

**Debtor.**

§ 100.00

## Chapter 11

**Case No. 16-47428 (E.D. MO.)**

**ERVIN WALKER; DONALD WALKER;  
ERIC ALLEN; JUSTIN COOPER;  
REGINA COUTEE; AND BRIAN  
MATHIS;  
PLAINTIFFS**

**V.**

**DIRECTORY DISTRIBUTING  
ASSOCIATES, INC.; RICHARD PRICE;  
STEVE WASHINGTON; LAURA  
WASHINGTON; ROLAND E.  
SCHMIDT; AND SANDY SANDERS;  
AND AT&T CORPORATION;  
DEFENDANTS.**

ADV. PROC. NO. \_\_\_\_\_

### **NOTICE OF REMOVAL**

Directory Distributing Associates, Inc. (“DDA”), Richard Price, Steve Washington, Laura Washington, Roland E. Schmidt, and Sandy Sanders, (collectively, the “Removing Parties”), hereby file this *Notice of Removal* pursuant to 28 U.S.C. § 1452(a), Federal Rule of Bankruptcy Procedure 9027, and Bankruptcy Local Rule 9027-1.

### **The Removed Case**

1. The lawsuit being removed is Cause No. 2011-50578 in the 269th Judicial District Court of the State of Texas, County of Harris (the “State Court”) styled *Ervin Walker, et al. v. Directory Distributing Associates, Inc., Richard Price, Steve Washington, Laura Washington, Roland E. Schmidt, and Sandy Sanders, and AT&T Corporation* (the “Lawsuit”).

2. The removed claims are for alleged violations of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.*

### **The Parties**

3. Plaintiffs are Ervin Walker, Donald Walker, Eric Allen, Justin Cooper, Regina Coutee, Brian Mathis, and approximately 2,500 individuals who opted into the Lawsuit as plaintiffs after the State Court conditionally certified the case as a collective action.

4. A list of Plaintiffs and the addresses they provided to the Court when opting in is attached hereto as Exhibit No. 22.<sup>1</sup>

5. Plaintiff Ervin Walker is appearing *pro se* in the Lawsuit. His address is:

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<sup>1</sup> The list of Plaintiffs in Exhibit No. 22 consists of all individuals who filed opt-in consent forms and were not dismissed for improper venue. By filing Exhibit No. 22, the Removing Parties do not concede that any of these individuals are proper plaintiffs and expressly reserve their rights to challenge the participation in the Lawsuit of any or all of these individuals based on any ground, including but not limited to: expiration of the statute of limitations, untimely filing of the opt-in consent form, and decertification of the collective action based on the fact that the individuals in the conditionally certified class are not similarly situated.

Ervin Eugene Walker  
4014 Prudence Drive  
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wlkervn@aol.com

6. All other Plaintiffs are represented by the following counsel:

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7. Defendants are DDA; former DDA employees Richard Price, Steve Washington, Laura Washington, Roland E. Schmidt, and Sandy Sanders; and AT&T Corp.

8. Defendant DDA is located at 1324 Clarkson Clayton Center, Box 348, Ellisville, Missouri 63011.

9. Defendants DDA, Richard Price, Steve Washington, Laura Washington, Roland E. Schmidt, and Sandy Sanders are represented by the following counsel:

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Luttrell & Williams, P.C.  
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10. Defendant AT&T Corp. is a New York corporation with its principal place of business at One AT&T Way, Bedminster NJ 07921-0752. Defendant AT&T Corp. is represented by the following counsel:

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11. All Defendants have been served with process in the Lawsuit.

12. Though consent of other named co-defendants is not necessary for removal under 28 U.S.C. § 1452, the Removing Parties are informed that defendant AT&T Corp. consents to removal in this action.

**Basis for Removal**

13. On October 14, 2016, DDA filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, in the United States Bankruptcy Court for the Eastern District of Missouri, St. Louis Division (Cause No. 16-47428) (the “DDA Bankruptcy Proceeding”).<sup>2</sup>

14. Removal of the Lawsuit is proper under 28 U.S.C. § 1452(a) because the claims being removed are pending in “a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit’s police or regulatory power” and this Court has subject matter jurisdiction under 28 U.S.C. § 1334.

15. Federal subject matter jurisdiction exists under 28 U.S.C. § 1334 because the Lawsuit is “related to” the DDA Bankruptcy Proceeding. A judgment against DDA would directly and substantially affect the amount of property available for distribution among the estate’s creditors.

16. Venue is proper in the Southern District of Texas under 28 U.S.C. § 1452(a) because the State Court where the Lawsuit is pending is located in this district. Pursuant to the District Court’s General Order 2012-6, the Lawsuit is subject to automatic referral to this Court. *See In re: Order of Reference to Bankruptcy Judges*, General Order 2012-6 (S.D. Tex. May 24, 2012); *see also* Bankr. L.R. 9027-1 (providing for removal directly to the bankruptcy court).

17. Following removal, the Removing Parties will likely file a motion to transfer the Lawsuit to the Eastern District of Missouri, where the DDA Bankruptcy Proceeding is pending.

**Rule 9027 Statements**

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<sup>2</sup> DDA’s Bankruptcy Petition is attached hereto as Exhibit No. 2.

18. Upon removal, the Lawsuit will be a core proceeding. To the extent it is otherwise determined that the Lawsuit is a non-core proceeding, the Removing Parties consent to entry of final orders or judgment by the bankruptcy judge. *See* Fed. R. Bankr. P. 9027(a).

**Pleadings of Removed Case**

19. Bankruptcy Rule 9027(a) requires copies of all process and pleadings in the underlying action to be attached to the Notice of Removal. Because the Lawsuit has generated an extensive amount of process and pleadings, the Removing Parties are simultaneously filing their “Motion to Limit Process and Pleadings” and incorporate such Motion by reference herein.

20. In accordance with Bankruptcy Rule 9027(a) and Local Rule 9027-1(b), this Notice of Removal is accompanied by an Index of Matters Filed. *See* Exhibit No. 1. The Index of Matters Filed contains pleadings and the docket sheet for Cause No. 46632.

Dated: November 23, 2016

Respectfully submitted,

By: /s/Johnie Patterson

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SBN #15601700  
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THE DEBTOR

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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was delivered to the following recipients via electronic delivery on November 23, 2016.

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/s/ Johnie Patterson  
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